Behemoth Arraign'd:

OR, A

VINDICATION OF PROPERTY

Against a

Fanatical Pamphlet

STILED

Behemoth: *or, the History of the Civil Wars of* England, *from.* 1640 *to* 1660.

Subscribed by *Tho. Hobbes* of *Malmsbury.*

By *J. Whitehall*, of the Inner-Temple, Barrester at Law.

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1685:10

To his Highneſs

Prince *RUPERT*,

Count Palatine of the *Rhyne*,
Duke of *Bavaria* and *Cumberland*,
Earl of *Holderneſs*,
Vice-Admiral of *England*,
Conſtable and Governour of his
Majeſties Royal Caſtle and Honour
of *Windſor*,
And one of his Majeſties moſt
Honourable Privy-Council.

May it pleaſe your Highneſs,

Particular Favors from the Generous *and* Great, *Dedicators of this kind often take either the Confidence to* boaſt, *or Grati-*

tude to expreſs. *My unhappineſs is ſuch, as to be intitled to* neither; *but onely as by the general Influence of the* Sun, *I partake with the reſt of its Heat; ſo by the general Influence of* Noble Patriots, *I onely reap an Advantage with the* Crowd. *That's my* Misfortune, *this is my* Happineſs; *the rather, for that I am* free, [*'tis a merry word*] free *in the choice of a general* Benefactor, *one that dares be a* Publick Good; *and as one of thoſe, I proſtrate this before*

fore you. Upon the Pro-ſtrate, *'tis below your* Mar-tial Spirit *to trample; 'tis below your Wiſdom, to deſpiſe your* Defence; *Defence not onely of your* Property, *but Honour; not onely of your adopted Country, but your Self: For after* Behemoth *hath made a Blow at the Peace and Happineſs, the Enjoyments and* Freedom *of this Kingdom, [that he may ſeem to ſpare neither* Perſons *nor Things] he falls upon all the* good men *of the late King's Party, which deſired*

Ac-

Accommodation *of the late Inteſtine Difference; in which I cannot but think your* Highneſs *included.*

Great Sir, a long Diſcourſe to the lovers of Action, always ſeems tedious; which to avoid before your Highneſs, puts me upon intreating your Acceptance *and Favour to this little* Piece, *and of him that ſhall continually think himſelf* happy *to be owned*

Your Highneſs's
moſt humble and
faithful Servant,

J. Whitehall.

Advertiſement.

THE Reader may obſerve, becauſe the Editions of *Behemoth*'s Book have been various, this is an Anſwer to that in 12°, which is of a very ſmall Character, and printed 1679.

Behemoth Arraigned:

OR,

A VINDICATION OF PROPERTY.

Envy and *Flattery*, the two grand Enemies of Monarchy, ought one to be guarded, the other to be watcht. *That* wasting with Battery, *this* insensibly creeping into the Works; *Strength* easily opposing the *first*, Wisdome difficultly preventing the *latter*.

Korah and his Company told

Moſes, he took too much upon him; and the openneſs of their Rebellion was quickly ſuppreſt, whilſt the flattery of *Rehoboam*'s young men were his ruine: but ſubtile *Tiberius* was more afraid of *Sejanus* his Minion, than of *Agrippina* his Enemy.

In the year 1651, the People of *England* were taught by the *Leviathan*, *p.* 114. 174. (amidſt other ſuch Doctrines) that their *ſubjection to their natural Sovereign* [our preſent King] *was at an end*, he being then uncapable to protect them; and that they were abſolved, and might ſubmit to any one elſe that could protect them. This bare-fac'd Enemy (by the bleſſing of God) *our Soveraign* hath overcome, and is re-

reſtored to his Rights, by the adhering of honeſt men to their natural ſubjection.

But now in the year 1679, ſince the *Leviathans* ſiding with *Oliver*, and being an open Enemy to the Kings indiſputable Title to the Engliſh Scepter, could not ſeparate long the King and his Subjects; there is a ſtrange Creature riſen up called *BEHEMOTH* (a proper ſight for a *Weſtminſter*-Stage) and his part (except I be deceived) is to try whether he can now *ſeparate* the King in his affection from his Subjects (as it was the part of the *Leviathan* perpetually to ſeparate the Subjects from their King) by telling him, with a *flattering ſlyneſs*, the *abſoluteneſs*

of his Power, the injuriousness of *Parliaments*, and that all the *Property* of the People of *England* is at his *Arbitrary* dispose, being Master of the Militia.

To shew the danger, especially to the King, the unreasonableness and falseness of which Positions, I shall chiefly apply my self: for as to the matter of *Religion*, and that we are onely to embrace for such that which the Soveraign dictates, I have spoken in my *Answer to the Leviathan*, and so shall now pass it.

Nor as to *Behemoth*'s declaiming against the Proceedings of the Parliament in 1641, shall I intermeddle, save in that which reflects upon *Parliaments in general*: for the ill that was done, with

with its Conſequences, is ſufficiently *manifeſt* to the world, and is long ſince, by the *goodneſs* and *mercy* of the King, buried in *Oblivion*: And now to rake into *old Wounds* concerning the King and his People, is certainly a thing very *unchriſtian*, and the hearing of it pleaſant to neither; though let me ſay, that I believe the *Murder* of the late King was, during the War, no more deſigned by the Lords and the generality of the Commons, than by a young Child. Nay, I believe not by *Cromwell* himſelf, till the laſt; *Opportunity* (the Spark to Gunpowder) cheating men inſenſibly. *Is thy Servant a Dog, that he ſhould do this thing?* but yet he did it.

As to *Behemoth*'s railing againſt the Presbyterians and their Doctrines that were then, and thereby taxing the preſent [which trick is the Art of the Book] I ſhall ſay nothing, but let them anſwer for themſelves; only that it ſhews as little good *Manners* as good *Nature*, they being a people that are *under foot*: beſides, though I approve not their *Diſcipline*, yet I never perceived by all that I have heard or read, but that their Doctrine is equally good and peaceable, as the Doctrine of our *Engliſh* Church-men, though generally little to the Text, and not ſo learned. And no wonder, ſince their Studies are out of the proſpect of *Benefit*; whilſt our Churchmen (I am apt

apt to think) some of them enjoy a King's *Chaplainry*, a *Deanery*, a *Prebend*, and *two* Benefices, amounting to near 2000 *l.* a year; And for what? Only perchance for making *twelve Sermons*, (in Conscience they ought to be of the best) and Preaching them three times over in a *Year*. But in short, I wish they were united more, being more strength against the common Enemy; though *Behemoth* intends to keep them seperate still, or all he hath said in this matter tends to nothing, but to shew his excellency, without Reason from any one particular, in treading upon those that are *under*, as the *Leviathan* did in 1651 upon the *King* and his *Party*.

As for the proceeding of the

Book *Behemoth* by the Letters *A* and *B*, I ſhall not regard it; but take the *Poſitions* as they lye, and are found in any part of the Book; not only for that both *A* and *B* aſſert, but alſo becauſe the Letters are tranſpoſed in the Print.

But the firſt thing I ſhall meddle with, is in *p.* 3. and with which agrees *p.* 21. where after an enumeration of all *Sectaries*, 'tis ſaid, *Theſe were the Enemies which roſe againſt his Majeſty, from the private Interpretation of Scripture, expoſed to every mans ſeeing in his Mother-tongue.* From hence any one may eaſily, and very *naturally* infer, That he would *teach the King* to prohibit the *Scriptures* being in *Engliſh*, if he will keep the

the people from rising against him; for what the Scriptures in *English* have been the cause of, they may be the cause of: which *Doctrine* would wonderfully have befitted a *Romish Priest* or *Jesuit*, to have the people bred in Ignorance, whereby they may be capable at pleasure to have *Romish* Idolatry put upon them: And I wonder that *Behemoth*, who for many Pages rails at *Popish* Doctrine, should be so very *imprudent*, as to say so much here for its support. But for this, *Behemoth*, like the *Leviathan*, gives *no Reason* (no more than for railing against the *Universities* and Learned Men, as the causes of Sedition:) And why he should be so fond to think we will believe

lieve him without *one*, I know not. Eſpecially for that 'tis moſt apparent, that the Scriptures teach us *Obedience* to the King and thoſe that *God hath ſet over us*, and that *Prayers* be made for them; which no man can be ſo well aſſured of, as by *reading them* himſelf; and how can any man *read*, at leaſt *underſtand*, that which is in an *unknown Tongue*? So that 'tis the only way to keep the People in *Obedience to the King*, (and not to the *Pope*) to let them have the *Scriptures*, in their own Language, whereby they may be aſſured of their *duty*. I do not ſay but that ſome few men of *corrupt* and flagitious minds, may make an ill uſe of the Scriptures to their own de-

deſtruction: Like *Venner*, that thought becauſe there was a place in Scripture that ſpake of *ten putting ten thouſand to flight*, that he with thirty men could conquer the Kingdom: but it follows not therefore, that the generality of Mankinde make an ill uſe of them, or that thoſe that make a good uſe of the Scriptures, in learning how to obey God and honour the King, ſhould be debar'd of them in the Tongue they underſtand. And to ſay otherwiſe, and to ſay that the Nation muſt be poyſoned or *ſtarved*, becauſe ſome men have been poyſoned or choaked with their Victuals: That all the Lances in *France* muſt be deſtructive or *broke*, becauſe one was the death of

of *Henry* the Second; That all the *Candles* in *England* must be destructive or *put out*, because *one* by chance hath burnt the King's fingers. No, there's a *better Remedy* than this for those that make an ill use of their advantages, and that is, the Punishment due by the *Law*. And particularly, if any make use of the Scriptures to instigate them to *Rebellion*, or disturbance of the Government, there is a Soveraign Remedy, in English called an *Halter*.

Behemoth, p. 26. saith, *That King Charles the First, by granting the Petition of Right, deprived himself not onely of his Power to levie Money without the Parliaments consent, but also of his ordinary Revenue of Tunnage and Poundage*;

dage; and of the liberty to put into cuſtody ſuch men as he thought likely to diſturb the Peace, and raiſe Sedition: And if I underſtand him, he ſaith, *That theſe are eſſential parts of the Power Soveraign.*

Now what is this, but to tell the King how he is deprived of his *Hereditary Right*, by his Fathers paſſing this Act of Parliament? and is not this enough, had we not a *moſt gracious King*, to make him have a regret and *grudge* towards his *People*, and even againſt the very beings of *Parliament?* I think any man will conclude in the affirmative, that makes it but his own Caſe. But a man would *wonder* at ſuch confidence as this; when 'tis

moſt

moſt apparent, that never any *King* of *England*, eſpecially ſince *Magna Charta*, pretended a *Right to raiſe Money* in general upon his Subjects, *without conſent of Parliament:* Nay, when particulars of this kind were acted by any King, at the Parliament enſuing they were *redreſt*, as I ſhall ſhew by and by. Although *Behemoth*, p. 84. calls *The adviſing the King to ſend Commiſſions by way of Loan, a PRETENDED FAULT*, which the Parliament 1641 laid to the Adviſors charge.

I ſhall begin with the time of *Edward* the firſt, who reigned about three hundred and fifty years before King *Charles* the firſt: And in the five and twentieth and eight and twentieth years of his

his Reign he *confirmed Magna Charta*, which was, as I ſhall ſhew hereafter, nothing but an Act to *prohibit* the taking away the Subjects eſtate *without Conſent in Parliament*, or by Judgment in the King's ordinary *Courts*. And though we cannot ſuppoſe that *Edward* the firſt laid any Impoſition without Parliament about that time, he being a *wiſe Prince*, and for many precedent and ſubſequent years having *had Parliaments*; yet to confirm to the People their *Liberties*, and to explain *Magna Charta*, It is Enacted in the thirty fourth year of his Reign, *That no Tallage or Aide ſhall be taken by Us and Our Heirs, without the good Will and Aſſent of the Clergy, Nobi-*

Nobility, Knights, Burgesses, and other Freemen of the Land. And observe, that my Lord *Hobart* calls *Edward* the first, *a magnanimous Prince*; and if so, we cannot suppose that He would in such plain words give away his *Right*, not only from himself, but *all Kings* that should be his *Heirs*, and that in a *peaceable* time, and without danger, or colour of Force to induce him thereunto. And likewise in the forty fifth of *Edward* the Third, a great and *victorious* Prince. And in the eleventh of *Richard* the second, and the first of *Richard* the third, besides many others, 'tis Enacted, *That no Imposition or Benevolence shall be without Consent in Parliament.*

Can

Can any thing then be *plainer*, than that King *Charles* the Firſt had no right to raiſe (that is, by force) Money upon his Subjects without conſent in Parliament? And as for the *Loan* [I ſpeak not of the Kings borrowing Money as a *private* perſon] though it was called *Lending*, yet it was nothing in *Anno* 1626, but *forcing* Money from the Kings Subjects: for they were *impriſoned* if they did *not lend*; and he that can impriſon if a man doth not lend him his Money, may impriſon him that comes to *demand his Debt*; and he that can impriſon if one doth not lend him five ſhillings, may impriſon if one lends him not *all he hath.*

Nay, the King himſelf put

forth a Declaration (if we may believe Mr. *Rushworth* in his Collections, *p.* 422.) *That it was Necessity urged him to the Commission of Loan*; [It being a time when *Tilly* was grown excessive strong] and I suppose he might intend that necessity in respect of the Palatinate. But the Declaration further said, *That this should be without precedent.* And (if we believe the same Author) *page* 498. he saith, That Secretary *Cooke* (who I think was as *wise* a Servant, and as good a Subject as ever King had) in his Speech at the ensuing Parliament for a Supply to the King, confessed, *That illegal courses had been taken*; relating, as we may justly suppose, to the *Loan.* So the late

King

King, both by *himſelf* and *Secretary*, clearly diſowned a Right to the *Loan*; or elſe why might not this be a *Precedent*? or why was this an *illegal courſe*?

Is it onely a *pretended* Offence then for any one to adviſe the King to act *contrary* to ſo many Acts of Parliament? Certainly 'tis a *real Offence*: for hereby the King is decoyed into the *hatred* and torrent of his *Subjects* againſt him; which is the greateſt *miſfortune* can befal him: and except I be deceived, there had ſcarce been a War, but for the *Loan*, *Monopolies*, and *Ship-money*. For men turn deſperate to ſecure their *Eſtates*, knowing that no condition can be worſe than a life without any *fortune* to ſupport it.

And as to *Tunnage* and *Poundage* being part of the *Prerogative*, as *Behemoth* affirms, I will not ſay but that ever the Kings of *England* enjoyed them; yet by *conſent* and grant in Parliament, as may clearly be deduced from the *Statutes* I mentioned before. And likewiſe 'tis plain by the Statute in the *firſt of King James*; who would, being ſo *wiſe* a Prince, and ſo deſirous to continue his greatneſs to his Poſterity, never have *accepted* a Grant of Tunnage and Poundage (with *exceptions* in it) during his *life-natural*, and from *ſuch a time onely*, if it had then been the *hereditary Title* of the Crown: All which Statutes are in the Book at large to be ſeen. Nay, to

to come home to *Behemoth*, *Tunnage* and *Poundage* are granted to this King the first year of his happy *Restoration*, with the *like Exception*, as in the Act of King *James*, (and a Proviso at the end) To enjoy during *his life*, and from *such a time onely*. Now if it had been the *Prerogative* of the King to have it *without consent* in Parliament, as he ought to have had, if it had been *essential to Soveraignty*, 'tis well known he might, for that the People were so far then from *Rebellion*, or *restraining* his just Prerogative, that they were almost distracted with their [just] Joy for his *Return*. Besides, 'tis well known that the King at that time had as *wise* men, and as *good Subjects*

to adviſe him, as ever King had; and we have ſince ſeen his own *care* of his Succeſſor. But this of *Behemoth* in this page, is much like the Tories and *Hectors* of our days; who in the indigence of their Fortunes, not being bad enough to be *hanged*, nor able in their neceſſities with their *Swords* to bear part in an *Arbitrary Government*, which they are told is contrary to *Magna Charta*, ſay, That that was onely gained by *Rebellion*: And ſo if *Behemoth* paſs without burning, may it be ſaid *hereafter* was the *Petition of Right*.

As for *Behemoth*'s ſaying, that the Petition of Right reſtrained the King *from Impriſoning ſuch men as were likely to diſturb the Peace*,

Peace, and raiſe Sedition; there needs no anſwer, but that it appears *otherwiſe* from the Act of Parliament itſelf; for 'tis only to prohibit *the Judges* from keeping men in Priſon, committed by the King's Council, which upon their *Habeas corpus* have no *particular Cauſe* of Commitment returned; and to prohibit the committing men *without cauſe ſhewed*, which is by the *Scripture* admitted,, I think, to be a Law of *Nature*; for, ſaith *Feſtus*, Acts 25. 27. *It ſeemeth to me unreaſonable, to ſend a Priſoner, and not withal to ſignifie the Crimes laid againſt him* Beſides, I cannot but obſerve what an improvident Humour this is, for ſo great a *Prerogative-man* (as *Behe-*

moth would pretend himſelf) to tell the King's people, that there is an Act of Parliament, *To prohibit the King from committing any man that is likely to diſturb the Peace, and raiſe Sedition.*

I write not *this*, nor any thing hereafter, out of *fear* that the King ſhould be inſtructed by ſuch *a Pamphlet* to take my *Property*, becauſe I have ſeen ſo much of the *Wiſdome* and *Goodneſs* of his Majeſty to the contrary; but leſt *malevolent Spirits* may lay hold upon the Tenets of this *Book*, to put *Jealouſies* into weak Peoples heads againſt the King, in caſe it ſhould paſs without *a publick contradiction.* And the rather, for that ſo far as *Behemoth* is *intelligible*, he ſaith, *That raiſing*

raiſing Money without Parliament, Tunnage and Poundage, are eſſential parts of the Power Soveraign; and the conſequence of *that* is, that all Acts of Parliament to the contrary are *void*, or elſe the King is no *Soveraign*; for that any one eſſential part ('tis otherwiſe of *accidental* and excrementitious) being taken away, the thing *periſheth*, and 'tis like ſeparating *Soul* and *Body*, whereby there remains no longer the *man*. But 'tis plain, they are *no eſſential* parts of the Power Soveraign; the *Soveraignty* having had a time (as appears by the precedent Acts of Parliament) when it was without them in that ſence he would impoſe.

Behe-

Behemoth, p. 31. ſaith, That *Ship-money was one of the Prerogatives of the late King*; and this about the time of his ſecond Expedition againſt the *Scots*, which was after the *Petition of Right*; and ſaith, *p.* 35. upon a Queſtion, What Ship-money was? *That the Kings of* England, *for the defence of the Sea, had power to tax all the Counties of* England *for building of Ships.* And upon that diſcourſe, ſpeaking of the long Parliament's quarrelling at it, adds, *That he cannot tell what the Parliament meant, nor againſt what Law it was.* And *p.* 36. ſaith, *'Twas not againſt Equity: for when they have laid the burthen of defending the whole Kingdom, and governing it, upon any perſon*

perſon whatſoever, there is little equity he ſhould depend on others for the means of the performing it; or if he do, they are his Soveraign, not he theirs: And as for the Common Law contained in Reports, they have NO FORCE but what the King gives them. Beſides, 'twere unreaſonable that a corrupt or fooliſh Judge's unjuſt Sentence, ſhould by time, how long ſoever, obtain the force of a Law. And as to *Magna Charta*, inſtancing in the *Twenty ninth Article*, he ſaith, *That that Statute leaves us, as to the Kings raiſing of Money, in the ſame doubt it ſeems to clear:* And ſo quibbles upon *that*, and then ſaith, *That that Statute was made not to exempt any man from payment to the Publick, but for ſecuring of every man*

man from ſuch as abuſed the King's Power by ſurreptitious obtaining of the King's Warrants to the oppreſſing of thoſe againſt whom he had any ſuit at Law; but it was conducing to ſome rebellious ſpirits in this Parliament, to have it interpreted in the wrong ſence. And further ſaith, p. 58. *That the Parliament made the people believe, that the Ship-Money was againſt Law.* I ſuppoſe he means by the words *wrong ſence*, that *Magna Charta* was not a Law againſt the Kings raiſing of Money *without Parliament*, though ſo interpreted.

Before I ſpeak to this *Learned Diſcourſe*, I ſhall premiſe two things:

The *firſt* is, That if ever it was part of the King's Prerogative

tive to raiſe Ship-Money without Conſent in Parliament, ſince the Petition of Right, or indeed ſince *Magna Charta*, 'tis for ought appears to me *ſo ſtill:* For the Act of 17 *Car.* 1. looks *backward*, not forward, in its condemnation of Ship-writs.

Secondly, That though I ſhall ſay *much* againſt *Behemoth* upon this ſubject, yet that I think it not only the *Duty*, but the *Intereſt* of every *Engliſhman*, to endeavour in his ſtation the ſupport of every *dram* of the King's *Prerogative*. For 'tis by the ſtrength of the King's Prerogative we are ſupported in our *Properties* and Liberties, and kept in *peace* and quiet; and I think the people of *Iſrael* were never in ſo

ill

ill a condition, as when they had *no King*, but every man did that which was *right in his own eyes*. Nay, to go a little *further*, I think the King's Prerogative is the *greateſt* of our Properties; for we have all intereſt in the *Son of Jeſſe*, and conſequently ought with our *lives and fortunes* defend both *him* and *it*. And on the other ſide, I think that the Properties of the *Engliſh* People are the greateſt *Prerogative* of the King; for thereby he is King of *Princes*, every one commanding within his own Limits, whilſt others are *Kings of Slaves*; thereby he hath all the *Money* and *Land* in the Nation *improved* for his Service, when He and his *great Council* Aſſembled in Parliament

ſhall

ſhall ſee there is *need*; whilſt other Princes have the Lands and Trades of their Territories *deſerted*, their *Slaves* refuſing to take *pains*, when they are at the mercy every hour of a *Court-Sycophant*, or a luxurious devouring Courtier.

Now to the matter, and I doubt not but to lay *Behemoth* upon his back.

I ſhall begin where he ends, and that is with *Magna Charta*, which indiſputably reſtrains all *Engliſh* Kings from *raiſing Money without Parliament*; were it only Introductive of a *new Law*, which it is *not*, but a confirmation of the *old*, a Law precedent; which ſome Kings, we may rationally ſuppoſe had made a breach upon,

by

by *ill Counſel*, as the late good and *virtuous* King did by his Ship-Writs, being deceived, as I have heard, by Mr. *Noy*, as King *Hardicanute* was by Earl *Goodwin*.

For what ſhould the Kings of *England*, even before the Conqueſt, have called together the *Peers and the People* to Council, as appears by *Spelman* and others, where they are called *The Great Council*, as I ſhall ſhew hereafter, if it was not to make or alter Laws, and aid the Kings with Subſidies? Nay, if the Kings *before Magna Charta* might have raiſed Money without conſent in Parliament, and conſequently had all the *Money* at their diſpoſe; from whence enſued their Power to

to make what Laws they liſted, for all was their own? what did they call together not onely the *Peers*, but the *People* for? they might have had advice to govern of a *Privy-Council*, as well then as *now*, which we cannot ſuppoſe ever comprehended the People: Nay When *William* the *Conqueror* had diſpoſed of *Sherburn*-Caſtle to a *Norman* by *miſtake*, when he underſtood *Sherburn* the owner had not been in *Rebellion* (for the Conqueror claimed by *title Precedent*) againſt him, *reſtor'd* it to the owner, and, as Sir *Richard Baker* ſaith, *rewarded his Followers with vacant Offices*, which remain to our King at this day; which ſhews that the *Law* was then as 'tis *now*, and the Peo-

ples Property owned even by the admiſſion of the *Conqueror himſelf*; and many other Examples there are of this kind, though *Behemoth*, *p.* 123. hath the confidence to ſay, *That the Conqueror had all the Lands in* England *in his hands by Victory, and diſpoſed them to his Servants.*

Beſides, if the King might have taken or diſtrained his Subjects Goods *at pleaſure*, before *Magna Charta* or ſince, what did or doth there need a diſtinction between the Lands of the *Soveraign* and Subjects, but that it might have been as in the *Eaſtern* Tyrannical Countries, where I never perceived, by all that I have read, that the *Sultans* trouble themſelves with the diſtinguiſhing

ing *their* Lands from the Peoples (ſave what is for Habitation) becauſe they take their Lands and Goods at their pleaſure? And if there was *before* the Conqueſt, or ſince, a Property in *Lands*, which the King could not meddle with, there muſt be in *Money*; for elſe the property of the *Land* would ſignifie nothing, in caſe the *profit* of it might be taken away at pleaſure. So that 'tis moſt apparent, the People had *an eſtabliſh'd property by Law*, *before Magna Charta*, which that did but *confirm*. And indeed that appears from the 29th Article itſelf, for the words are, *Nullus liber homo impriſonetur, aut diſſeiſetur de libero Tenemento ſuo, vel Libertatibus, vel liberis*

conſuetudinibus ſuis, aut utlagetur, aut exuletur, aut aliquo modo diſtruatur, nec ſuperibimus, aut ſuper eum mittemus, niſi per legale judicium parium ſuorum, aut per legem terræ. Nulli vendemus, nulli negabimus aut differemus juſtitiam vel rectum. Certainly all the parts of this, ſpeak *Property in the Subject*, not onely after, but *before* the making of the Statute.

For firſt, No man ſhall *be impriſoned*, except by lawful judgement of their Peers, or by the Law of the Land; there's an end of impriſoning for non-*Loan* or *Ship-mony:* for there was no Judgment by the Subjects, Peers, nor Law for it. Beſides, this clearly ſhews men had their *Liberty*

berty by a Law, which muſt be intended Precedent.

Secondly, No man ſhall be *diſſeized*, or put out of his *Freehold*, or *Free-cuſtoms*, or *Liberties*, except by lawful Judgment of his Peers, or by the Law of the Land. Here's the Subject ſecured in his *real Eſtate*, of which onely can be a diſſeizing, and alſo *perſonal Eſtate*: for 'tis the greateſt *Franchiſe* or Liberty (next his *Perſon* ſecured before) a man can enjoy, not to have his Money taken from him arbitrarily, whereby he may follow his Traffick. And obſerve, here is ſuch a thing as a *Free-cuſtom*, (that is) ſomething due by Cuſtom (which in all Countries makes a Law) to the Subject

before this Statute; and none of this ſhall be taken away, but by the Judgment of his Peers, that is, either Parliament or a Jury, or by Law, which muſt be a *Law precedent*; or the words were intended for nothing [which is not to be *ſuppoſed* in an Act of Parliament] which Law precedent we muſt ſuppoſe *bounded* the Property of the Subject before, and was the thing by which he enjoyed it.

Thirdly, Here's a *Grant* that the King will not *ſend* to any man, which extends to Eſtate as well as Perſon, except by Law; which is a reduplication of the *Property* and *Liberty* of the Subject, and looks like a Prophecy againſt *forc'd Loans* and *Ship-money*, for either of which there was no Law; but ſtill a Law is ſuppoſed

poſed previous to bound the Property of the Subject.

Fourthly, To cloſe all, the King ſaith, he will *deny* or *ſell Right* to none; which ſhews the People had a *Right*, or a Property, to be decided by Judgment in the King's Court, precedent to *Magna Charta*, in what they enjoyed; which the King here ſaith, he will not *hinder* or delay them in. What a *Crotchet* then was this of *Behemoth*, to ſay that this of *Magna Charta was onely to be intended to prevent any ones being oppreſt in a ſuit at Law depending, and that the other interpretation was the effect of rebellious ſpirits?*

But ſince *Behemoth* asks what Ship-money is, though he anſwers

himſelf, yet I will tell him, though I repeat it with regret, having had ſo ill a conſequence; the Caſe in ſhort was this: *That the King, by Writ, when the Kingdom is in danger, may compel his Subjects at their charge to provide ſuch number of Ships, and for ſuch time as the King ſhall think fit; and that in ſuch caſe the King is the ſole Judge both of the danger, and how the ſame is to be avoided.* And from this opinion of ſome Judges, [onely two being againſt it] *Writs* iſſued to *levy Money without conſent in Parliament*; and thoſe that did *not pay*, were *diſtrained* or *impriſon'd*. So if at any time this Nation ſhould have chanced to have an *ill King* that would have made an extravagant uſe

nſe of this [as I believe the late *good Prince* King *Charles* the Firſt *never intended*] as he might have ſaid there was danger, and he had need of Ten thouſand pound for building and furniſhing of Ships *to day*, he might have ſaid there was need of Ten thouſand times as much to *morrow*, and ſo without end. Thus after he had had a Subject's *Coat*, he might have required his *Cloak*, his Bed, and laſt of all he muſt, like an *Egyptian*, have ſold his Houſe, his Land, and his Body; for what? not for *Bread*, but to have raiſed Money to pay *the Tax* for furniſhing Ships, becauſe there was danger, of which the King was the *ſole Judge*, not the Subject; though for this reaſon

a man, his wife, and children, though born to a fair Fortune, were turn'd out of doors; and at this *rate* there might have been no Pariſh able to have relieved them, but that they might have died like Dogs in a Ditch, ſtarved, and naked as ever they came into this world.

What this then was in him that adviſed the King in this matter, though he ſuffered not the ſame that Earl *Goodwin* did, I leave others to judge: And what the *writing* or *printing* of this book *Behemoth* is, I leave to the *King's Attorney* to conſider. But let his Majeſties Attorney take this with him, that *Behemoth* further ſaith, *That Ship-money was not againſt Equity*, &c. and impliedly, as I think

think he ſaith before, *That if the King might not raiſe Money this way, or any other, without the conſent of his People, they are his Soveraigns, not he theirs.* What is this, but to ſtir up the *King* againſt his *People*; nay, and to tell the King he is not *King*, becauſe he cannot raiſe Money without Parliament? But that this was none, nor poſſibly could be any of the Prerogatives of the late King, is apparent not onely from *Magna Charta*, but *other Acts* of Parliament I cited before, whereby 'tis enacted, That no *Aid* [and I hope *Ship-money* in this ſence is one with a witneſs] ſhall be raiſed, but by conſent of *all the Eſtates*; reciting them, as particularly in the Statute of 34 *E.* 1. 1. But

But after *Behemoth* hath made a *mortal blow*, as he might well think, at *Property*, he comes like his Brother the *Leviathan*, to knock down the *Common-Law*; thinking I ſuppoſe, *that a prerequiſite*, though *poſtpoſed*: and this he only ſhews himſelf a *Stateſman* in: And ſaith, *That the Common-Law* [that is, the National Cuſtoms] *contained in Reports, have no force, but what the King gives them.* So that if we may ſuppoſe, as I think it not only *lawful*, but *reaſonable*, that *any Succeſſor* of our Gracious King, whom we have (bleſſed be God) no reaſon to *diſtruſt* in this matter, ſhould deny giving the Common-Law *force*, ~~whereby it would be accounted~~ the greateſt part of the Pro-

Property of the Subjects is *loſt*, and they are deveſted of it; and when the *Land* and the *Money* hath no other owner, 'tis a natural conſequence that it ſhould be *veſted* in the King: O what *Treaſure-trove* would here be for a *Courtier!*

But in ſhort, this is onely *another Crotchet*, without the leaſt ſhadow of truth in it, to take the Property from the Subject. And if ſuch *Doctrines* as theſe be ſuffered, I would have any rational man tell me whether it be not the readieſt way to give an occaſion to a *Sheba*, a *Son of Belial*, to cry, *To your Tents, O Iſrael*, although the King (whom God long preſerve) *know* nothing of the matter. For we ſee dayly,

dayly, if a Father die, perchance *all* or the greateſt part of his Eſtate goes to his *eldeſt* Son; and the ſecond Brother, as well as the reſt of the younger Children, is *content*: Why? 'Tis the *Common* Law ſo orders it. But in caſe the *eldeſt* Brother die, and the Land deſcend to the younger, whereby perchance he hath 1000 l. *per Annum* more than he had before, if any one offer to take but 5 s. *a year* from him, or almoſt talk of it, he will flie in his face: Why? Becauſe the Common Law of the Land hath *given* it him; and this Common Law is for the moſt part contained in *Reports*.

And whereas *Behemoth* ſaith, *That 'tis unreaſonable that a fooliſh*

or

or corrupt Judges unjuſt Sentence ſhould by time, how long ſoever, obtain the Force of a Law; I confeſs it: for an unjuſt or fooliſh Sentence ought never to have the force of a Law, nor ever had in *England*, as *Behemoth* himſelf excellently obſerves in the Ship-money Caſe. But I doubt *Behemoth* in this hath either put a *fallacy* upon himſelf, or would do upon *others*: for no Judges Sentence is taken for *Law*, except it be agreeable to the *Cuſtoms*, which is the Common Law, or the *Acts* of Parliament of the Nation: So let the Judge be *juſt* or unjuſt, a *fool* or a *wiſe man*, his Sentence ſtands not for Law, except agreeable to one of thoſe. But of this no more now, having

having ſaid more to it and the prevalence of Precedents, in my Anſwer to the *Leviathan*. But upon the whole of this Diſcourſe, I leave *Behemoth* to the *wiſdom of the Parliament* (which God ſend happily to *meet*) or the *King's Attorney*.

After *Behemoth*, p. 36. had been calling the Members of the Parliament in 1641, *crafty Knaves*, he comes to *p.* 37. and ſaith, *That they that were then elected, were ſuch as have been elected for former Parliaments, and are like to be elected for Parliaments to come: For the common People will be always ignorant of their duty to the Publick, and meditate onely their particular intereſt; in other things following the Preachers, or the moſt potent*

potent Gentlemen dwelling amongſt them. Now *Behemoth*, all along his Book, and particularly upon the Diſcourſe in this *page*, ſuppoſeth, that the *Preachers* and the *Gentlemen* which he ſtiles *Democratical*, are the *Teachers of Rebellion and Treaſon.* And *p.* 125. *Behemoth* ſaith, *'Tis uſual with the Citizens, Burgers, and Freeholders, to chooſe, as near as they can, ſuch as are moſt repugnant to the giving of Subſidies.* O the excellency of this *Doctrine*, to bring the King out of love with Parliaments; which are the *luſtre* of the Throne! And truely, the reproach to *all the People of* England, in this *page*, is ſo great, that it cannot be further expoſed. Yet only, by way of repetition,

obſerve, that *Behemoth* ſaith, That all the Members of Parliament *to be choſen*, are likely to be *crafty Knaves*, as well as thoſe that have been Elected for precedent Parliaments. And I do affirm, let *Behemoth* be as poſitive as he will to the contrary, that the generality and temper of the *Engliſh* People is for *having their King ſupplied in Parliament, when he hath need*; and this we ſee both by precedent and modern times. Neither did I ever know, but that publick *Preachers* and *Gentlemen* in their Countries inſtruct the people in *Obedience* and adherence to the Government as now eſtabliſh'd by Law; and he that believes the contrary, from what *Behemoth* here ſaith only, takes *Behemoth'*

moth's word (againſt general Experience) for the matter; which is only a *prediction* of what will be; and I take him for no *Prophet*. And would any man that had any *care* of what he ſaid, have affirmed, as he doth in the next page, *That the Univerſities have been to this Nation, as the wooden Horſe was to the* Trojans, and for this give *no Reaſon*, no more than for his other Diſcourſes againſt the Univerſities? But this I ſhall paſs over without anſwer; my Lord of *Clarendon* having *ſufficiently baffled* the *Leviathan* in this matter, to whoſe Book I refer any one for an anſwer to *Behemoth*. And as to *Behemoth*'s rating of *Ariſtotle* like the *Leviathan*, 'tis not worth an anſwer,

being without ground or ſence.

Behemoth, *p.* 43. calls *Religion*, *the greateſt of Virtues*. If he had ſaid, No man could have been *religious* but he that was *virtuous*, he had ſaid true: But Religion certainly is a thing of a *more ſublime* nature. For a man may be virtuous, as *juſt*, &c. to his Neighbour, and yet not be *religious*. For the difference between *Virtue* and *Religion*, I take to be; That an Action only virtuous is done either in compliance with a mans *natural temper*, as ſome men love naturally to be *juſt*, *kinde*, &c. or in compliance with the *Laws* or Dictates of Men, or with *good Reputation*. But now a *Religious Action* is, when men are juſt, or kinde, &c. out

out of a compliance with the *Commands or Laws of God*, as well as out of any other motive whatsoever. This being one of *Behemoth*'s smalleſt miſtakes, I ſhall paſs it over.

Behemoth, *p.* 44. ſaith, *That if the King give leave, he may as lawfully preach, as thoſe that do*; that is, *Behemoth* ſuppoſeth himſelf no *Clergyman*, and yet that he may Preach with the King's leave. This I think is a miſtake, though not very *proper* for me to controvert; for although the King be *Head of the Church*, yet Authority to Preach muſt be by the laying on of the hands of the *Biſhop* or *Presbytery*, to whom the King *commits that charge*. As the King is the Head of the Law,

yet he cannot give Judgment, or admit an Attorney in any Case in his ordinary Courts at *Westminster*; but the *Judges* which he is pleased to substitute, must do it. And with this agrees, as to *Practice*, all Antiquity, both Scriptural and otherwise; and 'tis superfluous to cite *instances* for the vindication.

Behemoth, after he had been railing against the *Presbyterians* and their Doctrine, comes now to tell what the Doctrine of the Preachers is that were of the *late King's Party*; and as if he meant to *acquit* the Presbyterians of all the guilt he had laid upon them, saith, *p.* 45, 46, 47, 48, 49, 50. *That the best Book extant* (except a few passages he dislikes) *is the* WHOLE

WHOLE DUTY OF MAN: and *yet if the Presbyterian Ministers that were the most diligent Preachers of the late Sedition, were to be tryed by it, they would go neer to be found Not guilty.* And upon this *Behemoth* makes a *perplext discourse*; as well he may be confounded, when he quarrels with a Book that I had thought could have given an *offence* to no body.

The first thing in the Book he seems to quarrel with, is the acknowledgment of *Gods Attributes*, as *Truth*, *Wisdome*, *Mercy*, &c. which he saith, *All those seditious Preachers acknowledged equally with the best of Christians.* 'Tis an excellent Argument, to say, that becaufe the Church of

England-men hold the *Truth*, &c. of God, that therefore they justifie others in their *seditious Doctrine* who hold the same. We will suppose that *Venner* had said that there was such a thing as *Pools Hole in the Peak*, is it consequential that therefore Mr. *Hobbes*, who writ, as I have heard, excellently *de Mirabilibus Peccæ*, had justified *Venner* in his *Treason* and *Rebellion*? But I suppose in this place the Quarrel to the *Whole Duty of Man* is, that it acknowledgeth the Attributes of God, which the *Leviathan denies*, as I have shew'd in my Answer to it, and I hope satisfactorily answer'd: So I shall pass this by.

And

And then *Behemoth* quarrels with the *Bishops*, and the rest of the Royal Party, for receiving the Scriptures *according to their own interpretation.* This is not *sence*: for who should interpret the Scriptures but the *Bishops and Fathers* of the Church, to whom the late King, and all other Kings, commit matters of that kind?

And then he quarrels with the Book again, for that it saith, *We must honour God in his Church and Ordinances; and this the Presbyterians do likewise.* Mark the consequence [or all he saith signifies nothing] that because the Church of *England*-men honour God in his house and Ordinances, *ergo* they justifie the Rebellion-preaching Ministers in their rebellious

bellious Doctrine, who likewiſe honour God in his houſe and Ordinances: 'tis *ridiculous*.

But the next thing in the *Duty of Man* he exclaims againſt, is the ſaying that *In all lawful commands we are to give the King active obedience; but in all unlawful, paſſive.* And this Doctrine, if we will believe *Behemoth*, *divides a Kingdom within it ſelf.* And thus far he is worſe than *Sibthorpe* or *Manwaring*; but this he would confirm by ſomething about *Saul* and *David*, not *intelligible*, I think, by any rational man, to be at all to the matter.

And then *Behemoth* makes a Caſe of it, that *Suppoſe a King or Tyrant ſhould command a man to kill his Father*, ſaith *Behemoth*, *you*

you ought to do it if there was a Law precedent for it. So let me obſerve firſt the implication, which is a *contradiction* of himſelf (viz.) *That you ought not to do it, if there was no Law precedent*; for before, he had allowed *active Obedience* in things unlawful. But what an *horrible Poſition* is this, that a man ought to *kill his Father*, in caſe a Tyrant ſhould ſo command, by that which he calls a Law; which never can be *a Law*, being againſt the *Law of Nature*, the firſt and *original* Law, which if any Law be made againſt, 'tis *void*; and alſo being againſt the *Law of God*, the ſecond to the Law of Nature in this caſe? But to this *Behemoth* may ſay like the *Leviathan*, that

'tis

'tis better to obey man than God. But the meaning of giving *passive Obedience* to a King in unlawful Commands, and not active, is no more, but that we ought not to do the thing, as in this case of killing ones Father, but *suffer* such a Tyrants wrath and *unjust punishment*, as *Daniel* did; rather than neglect the Worship of God; and as the three Children did, rather than obey the Kings Command in falling down to the *graven Image.*

In short, this of *Behemoth* saying that one of the best Books extant of the Church of *England*'s Clergy, may finde the late rebellious Preachers *Not guilty*, if tryed by it, is to bring the Church of *England*'s Divines into contempt

equally

equally with the *Presbyterians*; but they may *both* thank *Behemoth* that he hath by this brought them ſomething nearer to a cloſe.

Behemoth ſaith, *p. 66. That he underſtands not how by Law the Houſe of Commons* [as in my Lord of *Strafford*'s Caſe] *have any thing to do with accuſing a Miniſter of State to the Lords of High-Treaſon.* The Parliament at their *next Meeting*, perchance, may tell him: for I think the meaning of *this* is no more, but that the Parliament have *no Authority to meddle with thoſe things*, although 'tis moſt apparent that it hath been the *cuſtom* of all precedent times to this very day, for the Parliament to do it: and Cuſtome makes *a Law* in all Countries,

if

if not disagreeable to the Law of God, Nature, or Reason. As in *Edward* the Second his time, in the Case of *Pierce Gaveston*; and as in *Edward* the Third's time, in the Case of the Duke of *Lancaster* his own Son, *Alice Pierce*, and others; and in *Richard* the Second's time, *many of the Judges*, and the King's menial Servants, were by Judgment of the Parliament *banisht* or *attainted* of High-Treason. All which instances, besides continual *practice*, shew the *Power of Parliaments* to punish as the Crime shall deserve. Although *Behemoth* hath the confidence to say, *p.* 83. *That the old Parliaments accusing Counsellors and Courtiers, was but a more mannerly way of accusing the King himself,*

himſelf, and defaming him to his Subjects: which is nothing but a telling any ſubſequent Parliament, that they *defame the King*, when they ſhall tell him that he hath been *abuſed*; although it is the great *Happineſs* of the King, and *Priviledge* of the People, to have it ſo. Nay, the Parliaments complaint of thoſe that adviſed the King to raiſe Money without Parliament, *Behemoth* calls *ſtrightful Reproaches of the Kings Government*; although it be the *faireſt* and moſt *legal* way of aſſerting the Subjects Property. I think nothing can more tend for the future than this, to raiſe a *Jealouſie* in the King againſt his Parliament, in caſe they have reaſon hereafter to complain of any *ill Miniſter* of State. *Be-*

Behemoth, p. 73. ſaith, That *he doth not well comprehend how any Soveraign can well keep a People in order, when his hands are tied, or when he hath any other obligation upon him than the benefit of thoſe he governs.* And this, to my underſtanding, is to tell the King he cannot govern, if he govern not *Arbitrarily*, or that his actions are bounded *by Law*. But I will tell *Behemoth* how the King may keep a People in order, though his actions are bounded by Law; and that is, firſt by ſending Writers of *Seditions Pamphlets* [tending to *alter* the Government] to the *Kings-bench-bar*, where they ſhall be *whipt*, or ſoundly chaſtiſed according to Law: And in caſe the King ſee an occaſion for

for a *new Law*, or the *altering* of an old, he can at his own will and pleaſure call his Parliament, where he ſhall have the thing done with the beſt *advice*, and with the certain *good will* of his Subjects; which is his greateſt happineſs and *ſecurity*. And the ſaying that the Kings *hands are tyed* in this caſe, is a fallacy or a *miſtake*; for he hath his hands ſufficiently *at liberty* to govern to the great and certain *content* of his Subjects; which muſt needs be accompanied with *Peace* and his own *Safety*. And 'tis no *tye* or obligation upon the King, that he is to govern by Law [as obligation is taken for reſtraint] but the Kings greateſt *freedom* and happineſs, to have the rule of

the Law to *walk by*; whereby the murmure of his Subjects againſt his particular Actions may be prevented. And this is it, except I be deceived, that renders the Kings of *England* more *ſafe* amongſt their Subjects, than Tyrannical Princes are amongſt their *ſlaves*.

Behemoth, *p.* 78. ſaith, *That Knights of Shires and Burgeſſes were never called to Parliament, till the latter end of* Henry *the Thirds time*. But this he ſpeaks not poſitively, but with reference to his *knowledge*; *and that he finds not that they were part of the Kings great Council at all*. Now 'tis moſt manifeſtly plain, that they were part of the Kings *great Council* before the Conqueſt, as appears by ma-

many Antiquaries. *Spel.Gloſſ.* 261. ſpeaking of the *Saxons Conſtitutions* in this Kingdom, [which was long before the *Danes* time] ſaith, That in *Tolemoto convenere Regni Principes, Epiſcopi, liberique homines*; for what? *Conſulitur de communi ſalute, de Pace, de Bello, & de utilitate Publica.* That is, the Nobles, Biſhops, and *Freemen* met together, to conſult of *War, Peace*, and the *common ſafety*; what could this be, but a Parliament directly conſtituted as ours is? And *Spelman* in his *Concilium*, the firſt part, *p.* 126. ſpeaks of a *Commune Concilium tent. An.* 605. *preſentibus Rege, Anguſtino Epiſcopo, Clero, & POPULO.* Here 400 years before the Conqueſt, was a Common-Council, the

King, *Auſtin* the Biſhop, the Clergy and the People being preſent; ſo though the *Peers* are not here mentioned, yet the *People* are. And the *Mirrour of Juſtices* ſpeaks of a Parliament holden under King *Alfred*; and Sir *Richard Baker* of *one* held under *Canutus* at *Oxford*, the firſt King of the *Daniſh* Race here in *England*, where many *good Laws* were made. This was all before the Conqueſt; and Sir *Richard Baker* recites a Parliament held in King *Johns* time, who was before *Henry* the Third. What can be more plain, than that *Behemoth* is but a *ſlender Antiquary*, and that the Knights and Burgeſſes [which muſt be ſuppoſed to be included in the word *People* and

and *Freemen*] were part of the Kings *great Council*, not onely before *Henry* the Thirds time, but ſeveral Hundreds of years before the Conqueſt; and that they were concerned in *raiſing Monies* and making Laws, which are the two grand *utilitates Regni* both of War and Peace? although *Behemoth*, *p.* 79. ſeems to ſay, *That the King might do both, without either Lords or Commons, or elſe he ceaſed to be King.* But this I paſs over, having anſwered it more particularly before.

Behemoth, *p.* 85. ſaith, That one of the pretended faults the old Long-Parliament complained of, was, *The Preaching before the King againſt the Property of the Subject, and for the Prerogative*

of the King above the Law: (and p. 163. ſaith, *That the Laws of the Land were made to oblige the Subject, not the King that made them*) *and other* petit quarrels *they had to the Government, which though they were laid upon this Faction, yet they knew they would fall upon the King himſelf in the judgment of the people.* This perchance *Behemoth* ſaith, to prevent the *next Parliament* calling him to an account (his caſe being of the ſame nature) for this Book. And I ſuppoſe he intends here principally to juſtifie *Manwarings* Sermons, which ſo long ſince the Author hath ſmarted for in an extraordinary manner, and recanted before the whole Nation, *with all ſorrow of Heart and true Re-*

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pentance; which of it ſelf is Conviction enough of *Behemoth*, in this page; and that Preaching againſt the Subjects Property is *a real Fault*, not a pretended one only: And for that 'tis apparent from all Antiquity, as I have ſhewed before, and from Acts of Parliament, (which imply the King's aſſent and acknowledgment) that the Subject hath a Property in his Goods and Eſtate; and the ſaying the contrary, tends to nothing but raiſing *Sedition*, and ſeparating the Affections of the Subject from their King.

As to the King's Pretogative being *above the Law*, or the Law above the Prerogative, there is no ſuch thing of either ſide can

be ſuppoſed; for that the King's greateſt Prerogative, as well as Safety, lies in governing according to *Law*; and the Law and Prerogative go together generally, though ſometimes the King is not bound by a Law, as at other times he is; the Law *directing* the King what by his Prerogative he may do, and what not: So that the Subjects may be at quiet both in their minds and Eſtates, and the King in ſecurity to enjoy his own.

But I ſuppoſe *Behemoth* may intend by this, that the King by his Prerogative may *take all* the Subjects Property, thereby violating at his own Will and Pleaſure the *Law*; which is but the ſame thing over again, as to ſay, He may raiſe Money without Par-

Parliament; which is a thing that never *any King* of *England*, that I ever knew of, *pretended* a Right to, as I have ſhewed before. And the Subjects in Parliament complaining of the advice to the violation of their Property, is no *reflection* upon their *King*, as I ſhewed before; and alſo for that the King is a man, and capable of *Miſtakes* as well as other men, eſpecially it not being to be ſuppoſed, that he is verſed in every *tittle* of the Law, as they ought to be that adviſe him, in that which they undertake to adviſe him in; the King being ſuppoſed to have the *general Good* of his Subjects in his minde (which is a weight ſufficient) and not every particular Method of Government, in which he is to be aſſiſted, *not*

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deceived by his Councel; neither can he be ſuppoſed to have *leaſure* himſelf to ſee and obſerve every little abuſe, as the multitude of his great Council Aſſembled in Parliament may. Where is then the reflection upon the King, in the Parliaments examining and puniſhing the Authors of ill Doctrines, publick or private, that have been inſtilled into the King's ears? And the King's diſcovering, or delivering ſuch up to the Parliament, is no *betraying of his Friends*, as *Behemoth* falſly ſtiles it, *p.* 89. 98. but a freeing of himſelf from *Treachery*, and his People from *Miſery*.

Behemoth, *p.* 91. ſaith, *That Religion is a Law of the Kingdom, and*

and ought not to be disputed. Hence I obſerve, that the *Proteſtant Religion*, which is the Law of Chriſt, is not only part of my *property*, being eſtabliſh'd by Law, but is alſo *a Law of it ſelf* in this Nation. May it not hence be collected, that the Kingdom of Chriſt is become part of the Kingdom of this world (the Fifth-Monarchy perchance that runs in Peoples heads,) and that the *Proteſtants*, Chriſt's Servants, may with the *Sword* defend this Religion againſt the *Papiſts?* and be warranted by *John* 18. 35. But whether this be good Doctrine, let our *Proteſtant-Clergy* determine. As for the *Papiſh Clergy*, if their Religion was eſtabliſht by Law, I believe they would

would *conclude* they might: for as I have heard, they can with the Sword *deſtroy* at any time, as we ſee by the *Iriſh* and *Pariſian* Maſſacres; or riſe up againſt their *King* (as we may ſee in the *Civil Wars* of *France*,) when they *think* or *ſuſpect* only that their Religion is in danger.

Behemoth ſaith, *p.* 91. *That now the Scriptures are in Engliſh, he ſees no great need of Latin, Greek, and Hebrew.* I perceive he is like the *Leviathan*, and much for having Chriſtians being like *Mahometans*. But the uſe of theſe Languages is to know and to *aſſure* Poſterity that the Scriptures are *truely* tranſlated [which might elſe be hereafter doubted] and to make men underſtand *Au-*

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thors not tranſlated into their Mother-tongue.

Behemoth, p. 101. ſaith, *That the old long Parliament were ſo ſtupid, as not to know that he that is Maſter of the Militia is Maſter of the Kingdom, and conſequently is in poſſeſſion of a moſt abſolute Soveraignty.* And ſaith poſitively, p. 103. *That he makes account that the Legiſlative Power, and indeed all Power poſſible, is contained in the power of the Militia.* Before, *Behemoth* called the old long Parliament *Crafty Knaves, and that they were ſuch as were hereafter to be elected*; now he calls them *blockheads.* If he ſhould be elected for a *Parliament-man*, I wonder what he would be; for I obſerve he is apt to forget himſelf, or not

not well to consider what he writes.

But to come close to *Behemoth*; this is, I think, to tell the King in plain terms [and 'tis an Abridgment of much that went before] that he may take all our Properties, and we are all *Slaves*, because the King hath the *Militia*. For that to be a *most absolute Soveraign*, *and to have all the Power possible*, is to be at liberty like the *Mogul* or *great Turk*, to take and destroy all put under him at his own will and pleasure. Yet for this *dangerous position*, *Behemoth* gives no *reason*; nay, sence is against him: for may not a King, as ours, have the Militia, which is for the safeguard of himself and his People, at

at his diſpoſe and ordering, but he muſt have every thing elſe, and thereby have power to make *Laws*, and thereby take all that his Subjects have, contrary perchance to *all Cuſtoms* and Statutes of the Country where he governs; nay, for ought I know, againſt all Laws both *Natural* and *Divine:* So as that he may for nothing, and without all reaſon, take from his Subjects their *Lives* and Fortunes; and that is included in the words *Abſolute Soveraignty, and all Power poſſible:* for 'tis poſſible for a Soveraign to have that Power, for the great Turk hath it? This Doctrine is ſo apparently falſe, that it cannot be more expoſed; and in ſhort, 'tis *ſeditious*, and dan-

dangerous to the Government.

Here I think I may properly bring in what he ſaith, *p.* 116. *That the late Earl of* Eſſex *was carried away with the ſtream of the whole Nation, to think that* England *was not an* abſolute *but a* mixt Monarchy, *not conſidering that the Supreme Power muſt always be* abſolute, *whether it be in the King, or in the Parliament.* And *p.* 120, 121. he calls *mixt Monarchy pure Anarchy*, and ſaith, *p.* 126. *in it there can be no Peace.* This word *mixt*, *Behemoth* quarrels with often. But I will tell *Behemoth* what is meant by the word mixt, leſt he underſtand it not, and that a *mixt Monarchy* too. Μοναρχία is nothing but μία ἀρχὴ, that is, *ſolum Imperium*, or the only and *ſole Rule.*

Rule. Now the King by himſelf hath the *ſole rule* as to calling and diſſolving of Parliaments, as to raiſing of Souldiers, putting in of Judges and Miniſters of State, as alſo Sheriffs, *&c.* in which caſes the Monarchy or Rule is only in the King. But the King, his Lords and Commons aſſembled in *Parliament*, have the ſole Rule in making of *Laws*, and raiſing of *Money.* And the King hath the ſole Rule in making a Chief-Juſtice or Sheriff, but cannot diſpoſe of any *inferiour Offices* belonging to them during the vacancy, as *Mitton*'s Caſe is in the 4th Reports; but the Chief-Juſtice or Sheriff muſt do it, when conſtituted. And why may not ſuch terms be agreed on at the *erection*

of any Government, or after 'tis erected? And why is this Anarchy? I think this a good and *ſtable Government*. And why in this can there be no *Peace*? I will ſay 'tis the only way to maintain Peace, not to alter it. But I perceive *Behemoth* is no *Stateſman*, and ſo, as the Object of Pity, I paſs him by.

Behemoth ſaith, *p.* 118, 119. *That the fault he found in the late King's Council was, that they thought the Government of* England *was not an abſolute, but a mixt Monarchy; and that if the King ſhould clearly ſubdue his Parliament, his Power would be what he pleaſed, and theirs as little as he pleaſed; which they counted Tyranny. And that their Counſel t*

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the King was, to offer Propoſitions to the Parliament, of Treaty and Accommodation; and to put forth Declarations, which any man might eaſily have foreſeen would be fruitleſs; which diſcouraged the Souldiers, that hoped for prey by Victory. And *p.* 120. ſaith, *The Penmen of theſe Declarations were Lawyers.* The Abridgment of this is, That all the *honeſt* and *wiſe* Council of the late King were, if not *Traytors*, yet very *hollow-hearted* Subjects; and that becauſe they were not *Boutefeus* as others were, but willing to have *the fire put out.* But *Behemoth*, I thank him, is in this like the *Leviathan*, and loves to put the *Lawyers* into good company. One would ſwear they are Brothers. And for once I will adventure to

name ſome of this Council of the late King's (though here they are ſo reviled) and Print their Names; for their *Honour* ought, if poſſible, be made everlaſting, who adviſed the King to an Accommodation with his then Parliament; which if it had taken effect, would in all probability have prevented this Nations ſmart and *miſery*, by the proceeding of that War, and the King's Death and Fall.

The firſt, as I have heard, was his Highneſs Prince *Rupert*, the Duke of *Somerſet*, the Earl of *Southampton*, the Earl of *Clarendon*, the Lord *Culpepper*, and I ſuppoſe ſome other worthy Patriots I never heard of; whoſe Names deſerve, for their true love

love to their King and Country, to be written in letters of Gold: for could any thing be more *honourable* and juſt, than to adviſe the King to a way to a Peace, whereby the *Blood* and Treaſure of the Nation might have been preſerved, and eſpecially the King's juſt and undoubted *Prerogative*? For one of theſe Misfortunes were moſt probable to enſue upon a War to the King: *either* to be beaten, and after deſtroyed, as he was; or elſe to get the better of his People by *Arms*: and of the Army that ſhould do this, there muſt have been a General, a *Joab*, a Son of *Zerviah*, from whom the King could not have expected ſo clear a Supply, [the Armies Sub-

ſtence requiring a great part of all] as from the *love* of his People: Of which General [the Souldiers Darling] the King might have been continually in *fear!* for *the Sons of* Zerviah [I only uſe my *Examples* for illuſtration, not *reflection*] *were too hard for* David, and continually *Hector'd* him for the ſervice they had done him, and belike knowing how much the Men at Arms were at their command. Nay, perchance (for ought any one knows) the General to the King might have proved like *Cromwel* to the Parliament, and out of his confidence in the Army, might have turn'd his *Maſter* out of doors; for who knows what is upon the *Edge of a prevailing Sword?*

Sword? Hazael believed not before the Victory, he ſhould be guilty of ſuch Impiety. A Civil Sword hath always *bitterneſs in the latter end.* The greater then was the Fidelity and Bravery of that *General*, that adviſed his late Sacred Maſter to a Peace. And mark what an excellent Reaſon *Behemoth* gives for this conceit, *That it diſcouraged the Souldiery, that hoped for prey by Victory.* That is, the King and Country muſt not be preſerved from *ruine*, becauſe a company of *Ruffians* and men of deſperate Fortunes [for none elſe gaped at *prey*,] would be thereby diſcouraged. I think never any man ſaid ſo before; and ſo with the reſt of his new-found Doctrines, I paſs it by.

Behemoth, that he may miſs no more the *Citizens* than the Country-Gentlemen, and as if he intended to bring the King out of love with one as well as the *other*, ſaith, *p.* 106. *That* London *hath a great belly, but no taſte of Right or Wrong.* And, *p.* 131. ſaith, *That there can hardly ariſe a long and dangerous Rebellion that hath not ſome ſuch* over-grown City, *with an Army or two in its belly, to foment it: Nay more, thoſe great Capital Cities, when Rebellion is upon pretence of Grievances*, muſt needs be of the Rebel-party, *being againſt Taxes; and moſt commonly they are the firſt encouragers of Rebellion.*

I hope *Behemoth* doth not intend by this to have the *City ſet on*

on fire again, nor to have Guns planted againſt it to beat it down", to prevent a Rebellion; though,

Firſt, He ſaith, *That it hath no taſte of Right or Wrong*; the readier for Miſchief.

Secondly, *That there can be no Rebellion hardly, but by the fomentation of ſuch a City.*

Thirdly, That *ſuch Cities are the Encouragers to Rebellion.*

Had we an *unwiſe King*, that deſired to lay his great Strength and Honour in the duſt, here would be an Encouragement. But I doubt not but his Majeſty is as *wiſe* as his Royal and renowned Grandfather *Henry* the Fourth of *France*, who declined the *Storming* of *Paris* when the League

League was at that time in it, and the greateſt part of the City in *actual Rebellion* againſt him their King, and for no other cauſe, but to defend the *Popiſh Religion*: for, as he obſerved, that would be *to wound himſelf, when he ſhould be eſtabliſht in Peace*; knowing that therein would conſiſt his greateſt *Strength* and *Honour*. 'Tis a better way to puniſh Offenders in a City according to *Law*, than to deſtroy it: for if an Enemy ſhould land, after he hath beaten his paſſage through a Kingdom, when he comes to ſuch a *Metropolis*, he hath more to do than he had ever done before, and more men to contend with, and of better *diſcipline* for their King and Country. Nay,

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was not the *City of Rome* the Fort and Regainer of the Roman Empire, after the Battle at *Cannæ*? At this rate that *Behemoth* ſpeaks againſt the City, he might ſpeak againſt all the Kingdom in general, or moſt Counties: for there never can be any *dangerous* Rebellion, but a great part of the Nation is concerned in it. So I hope this here, with the reſt of *Behemoth*'s Book, will go for nothing but the *flaſh* of his own Brains, and tending to little but Ruine and *Confuſion.*

Thus have I briefly gone over the ſubſtance of *Behemoth*'s Doctrine, as I have done through the *Leviathan*'s, in which 'tis ſaid I was too *ſevere*; yet of the other

ther ſide, let it be conſidered that I am *an Engliſh man*, and how ſevere the *Leviathan* hath been to *Religion* and the *King*: And if I ſeem to have been too ſevere in *this* againſt *Behemoth*, let it likewiſe be conſidered that I am *an Engliſh man*, and that *Behemoth* hath been *as ſevere* with my *Property*; which is as dear to me as my *Life*.

FINIS.

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